

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

CARLOS COLLINS, # 182427,

Petitioner,

v.

Case No. 10-cv-12976
Honorable Victoria A. Roberts

CARMEN PALMER,

Respondent.

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**OPINION AND ORDER DENYING PETITIONER'S
MOTION TO HOLD FEDERAL HABEAS CORPUS IN ABEYANCE**

Petitioner Carlos Collins, a state inmate confined at the Michigan Reformatory in Ionia, Michigan, seeks the issuance of a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254. In his *pro se* Application, Petitioner challenges his convictions for felony murder, second-degree murder, armed robbery, felon in possession of a firearm, and felony firearm, imposed by a Wayne County, Michigan, Circuit Court jury on February 1, 2007. He was sentenced to mandatory life in prison on February 16, 2007.

Pending is Petitioner's Motion requesting a stay of his habeas proceedings, filed on September 14, 2010. Petitioner requests a stay so that he can "exhaust his 6.500 Motion State remedies." Motion, 1, Aug. 30, 2010. However, Petitioner has not identified any additional claims for the Court. Therefore, the Court denies the Motion.

I. DISCUSSION

In the controlling case of *Rhines v. Weber*, 544 U.S. 269 (2005), the Supreme Court approved a procedure for holding habeas-corpus actions in abeyance to allow petitioners to return to the state courts to present unexhausted claims. In *Rhines*, the Court recognized the

district court's discretion to stay a habeas-corpus proceeding pending prompt exhaustion of state remedies if there is "good cause" for the petitioner's failure to exhaust and if petitioner's unexhausted claims are not "plainly meritless." *Rhines*, 544 U.S. at 277-78.

Petitioner shows neither good cause for his failure to exhaust his claim or claims, nor colorable merit in any unexhausted claims; Petitioner has not identified any claims that he seeks to exhaust for purposes of supplementing his Habeas Petition. There are no exceptional or unusual circumstances which justify holding the Habeas Petition in abeyance, and the Court is not in a position to assess the merit of any unexhausted claims. Petitioner failed to present a procedural basis to stay these proceedings.

II. CONCLUSION

IT IS ORDERED that Petitioner's "Motion to Hold Federal Habeas Corpus in Abeyance" [Dkt. # 6] is **DENIED**.

s/Victoria A. Roberts
Victoria A. Roberts
United States District Judge

Dated: November 2, 2010

The undersigned certifies that a copy of this document was served on the attorneys of record and Carlos Collins by electronic means or U.S. Mail on November 2, 2010.

s/Linda Vertriest
Deputy Clerk